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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,366	05/18/2005	Chiaki Kobayashi	103213-00099	4073
4372	7590	04/17/2008		
ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER MIYOSHI, JESSE Y	
			ART UNIT	PAPER NUMBER
			2811	
			NOTIFICATION DATE	DELIVERY MODE
			04/17/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com  
IPMatters@arentfox.com  
Patent\_Mail@arentfox.com

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/507,366

**Applicant(s)**

KOBAYASHI ET AL.

**Examiner**

JESSE Y. MIYOSHI

**Art Unit**

2811

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 18 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1, 2 and 4-14.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Lynne A. Gurley/  
Supervisory Patent Examiner, Art Unit 2811

Continuation of 11, does NOT place the application in condition for allowance because:

Response to Arguments

1. Applicant's arguments filed 3/18/2008 have been fully considered but they are not persuasive.

Applicant argues, on page 4, lines 11-12, that "combining Berger with DeConde...involves a jump of logic that is impossible without hindsight."

Examiner disagrees with this statement because an artisan would recognize the teachings of both DeConde and Berger are directed to sensors arrays, therefore, one would recognize that the core principles that both DeConde and Berger rely on in order for their devices to operate are a matrix of sensors and rows and columns of electrodes for interconnecting the matrix of sensors. Therefore, hindsight is not required for combining DeConde and Berger.

2. Applicant argues on pages 3 and 4 that "the reading diodes 5 are different from photosensitive zones 20, and the electrodes or grids 3 are arranged to overlap the photosensitive zones 20" and additionally that "assuming that the reading diodes 5 correspond to the sensor sections 4, the reading diodes are arranged on the side of the insulating layer 22 opposite the electrodes or grid 3." The applicant further explains that these components if combined ultimately does not teach the device.

These statements directed to components of the teachings of Berger and where they correspond to with regard to the teachings of DeConde are moot; ultimately, Berger is not relied upon to teach these components, DeConde is sufficient to teach those components. Berger is solely used to illustrate that in a high-resolution sensor array where the sensors/components are positioned close together, as taught by Berger, the electrode are modified to maintain functionality of the electrodes and the device as a whole. Berger accomplishes this by providing "recesses 16" so that the electrode does not interfere with other sensors/components essential to the operation of the device. As stated in the previous office action, an artisan would realize that the teachings of Berger would allow the device of DeConde to place horizontal rows of electrodes closer together because the electrodes will have recess portions that will allow the electrodes to not interfere with the sensor area or any other components that is shifted closer together. An artisan would realize the closer placement of adjacent horizontal rows of electrodes would result in a higher-resolution sensor array.

3. The combined teachings of DeConde and Berger, as stated in the office action mailed 12/18/2008, meet the claimed limitations of claim 1 and stands rejected. Additionally, claims depending from claim 1 stand rejected.

/Jesse Miyoshi/.